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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,933	06/22/2006	Claude Sarno	4590-517	8946
33308 7590 05/21/2008 LOWE HAUPTMAN & BERNER, LLP 1700 DIAGONAL ROAD, SUITE 300 ALEXANDRIA, VA 22314				
EXAMINER				
PAPE, ZACHARY				
ART UNIT		PAPER NUMBER		
2835				
MAIL DATE		DELIVERY MODE		
05/21/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/583,933

Applicant(s)

SARNO ET AL.

Examiner

Zachary M. Pape

Art Unit

2835

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June, 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7, 9 and 12 is/are rejected.
- 7) ☒ Claim(s) 8, 10 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/25/2007, 6/22/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The Examiner notes the Information Disclosure Statements filed 6/22/2006, 1/25/2007, however the foreign references therein have not been considered since such portions of the IDS's fail to comply with MPEP 609.01(b)(3).

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. **Therefore, the internal heat drainage system of claim 9 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.**

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 12 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 12 recites, "A method of cooling an electronic box as claimed in claim 7" which is improper since claim 7 also requires an aircraft seat, etc.. and therefore it will not pass the infringement test (See 608.01(n)(III), specifically paragraph 3).

Additionally, MPEP 2116 requires that the material be manipulated in the process which is not present in claim 12. For Example, the processes of cooling the box does not manipulate the material claimed.

For the purposes of examination the claim will be examined as presently recited.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7, 9, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams, Jr. (US 6,038,426 – hereinafter, “Williams”).

With respect to claim 7, Williams teaches (In Fig 2) an aircraft seat (70), the seat being equipped with an electronic box (120) capable of releasing heat, comprising: a passive cooling device (100) able to be connected to the electronic box (Via 110, 120) and an element (75) having a heat-conducting material (Wherein Williams suggests that the element is heat conducting since it is a leg of an airplane seat which is typically made of metal in order to have the strength required to keep fastened the seat to the frame of the body), wherein said element includes a contact region (That which abuts 100) connected to the passive cooling device, this contact region being arranged on the element so as to dissipate the heat coming from the cooling device toward the whole of the element.

With respect to claims 9 and 12, Williams further teaches that the electronic box (120) has an internal heat drainage system (Either conduction or convection between the elements within the box (120) and the contact region (that which abuts 100)) joined to a contact region of the box (See Fig 2, wherein the contact region is the portion which abuts 100), and in that this contact region is connected to the passive cooling device.

Allowable Subject Matter

5. Claims 8, 10-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

With respect to claims 8, 10-11, the allowability resides in the overall structure of the device as recited in dependent claim 8 and at least in part because claim 8 recites, "the passive cooling device is a heat pipe".

The aforementioned limitations in combination with all remaining limitations of claims 7 and 8 are believed to render said claim 8 and all claims dependent therefrom (Claims 10-11) patentable over the art of record.

Williams teaches or suggests all of the limitations of parent claim 7, however the passive cooling device (100) is a mounting plate for mounting the box (120) to the seat legs (75). Further, the Examiner does not believe it would be obvious to merely substitute in a heat pipe for the plate since the plate is used as a mounting device for the box, whereas heat pipes are used as a means of transferring heat.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,824,213; US 6,619,588; US 6,572,054; US 2007/0217622; US 2006/0271970; US 2007/0132288 all further teach electronic equipment in an aircraft.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary M. Pape whose telephone number is 571-272-2201. The examiner can normally be reached on Mon.- Fri. 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayprakash Gandhi can be reached on 571-272-3740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Z. M. P./
Examiner, Art Unit 2835

/Jayprakash N Gandhi/
Supervisory Patent Examiner, Art Unit 2835